

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY - 9 2005

Federal Communications Commission
Office of Secretary

In the Matter of)

Amendment of Section 73.202(b),)

FM Table of Allotments,)

For FM Broadcast Stations.)

(High Point and Liberty, North Carolina))

MB Docket No. 05-115

RM-11202

DOCKET FILE COPY ORIGINAL

To: The Secretary, to forward to Assistant Chief (Allocations), Audio Division

COMMENTS

Capstar TX Limited Partnership ("Capstar"), the licensee of WVBZ(FM), Channel 262C, High Point, North Carolina (Facility ID No. 74204), by its attorneys, and in response to the Notice of Proposed Rule Making in the above-captioned proceeding, DA 05-709 (released March 18, 2005) (the "*NPRM*"), hereby affirms its support for the proposal set forth in the *NPRM* and as proposed in Capstar's Petition for Rulemaking dated August 6, 2004 (the "Petition"), for the modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (a) delete Channel 262C from High Point, North Carolina; (b) add Channel 262CO to Liberty, North Carolina; and (c) modify the license of WVBZ(FM) to specify operations on Channel 262CO at Liberty, North Carolina, in lieu of operation on Channel 262C at High Point, North Carolina (collectively, the "Proposal").

The Audio Division stated in the *NPRM* that, from the proposed reference coordinates, the Proposal would satisfy the Commission's technical requirements. *NPRM* at ¶ 6. Moreover, the Division stated in the *NPRM* that the Proposal warrants consideration because it


could provide Liberty with its first local service. *Id.* The *NPRM* stated that the Proposal appears to satisfy the requirements of Section 1.420(i) of the Commission's Rules because Station WVBZ(FM)'s existing and proposed channels are mutually exclusive with each other and because a first local service at Liberty under allotment Priority 3 would be preferable to retaining a sixth local service at High Point. *Id.* Because the Proposal involves relocation from an Urbanized Area to a non-Urbanized Area, and because the allotment already provides significant service to several Urbanized Areas, Capstar had noted in its Petition that no *Tuck* showing is required. The *NPRM* explained that the Division did not need to reach this issue because the *Tuck* showing indicated that a majority of the eight *Tuck* factors appear to be present. *Id.*

A statement from Capstar affirming that it will apply for the allotment if changed as proposed is attached.

For the foregoing reasons, the Commission should adopt the changes in the Table of Allotments set out in the *NPRM* and should approve the proposed modification of WVBZ(FM)'s license pursuant to Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

CAPSTAR TX LIMITED PARTNERHIP

By: 
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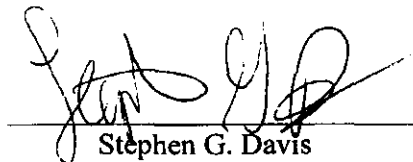
May 9, 2005

DECLARATION

I, Stephen G. Davis, declare as follows:

1. I am Senior Vice President - Engineering & Capital Management of Capstar TX Limited Partnership ("Capstar"), the licensee of Station WVBZ(FM), Channel 262C, High Point, North Carolina.
2. Capstar intends to apply for a construction permit for Station WVBZ(FM) to operate on Channel 262CO at Liberty, North Carolina, upon adoption of the proposed rule making amending Section 73.202, Table of Allotments, FM Broadcast Stations (High Point and Liberty, North Carolina), MB Docket No. 05-115.
3. If the construction permit for Station WVBZ(FM) on Channel 262CO at Liberty, North Carolina, is granted, Capstar will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Stephen G. Davis

Executed this 9th day of May 2005.